

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 19-24, 27-33, and 36 are pending in the application, with Claims 19, 23, 28, and 32 being independent. Claims 25, 26, 34, and 35 have been cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 19, 20, 23, 24, 28-30, 32, 33, and 36 have been amended. Support for these amendments can be found in the specification at least at page 31, line 19 to page 32, line 13. No new matter has been added.

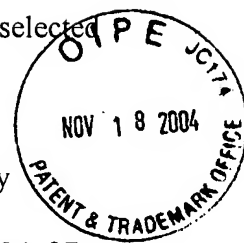
The specification and Claims 24, 26, 33, and 35 have been objected to as containing informalities. The specification and Claims 24 and 35 have been amended to attend to the informalities noted in the Office Action. Claims 26 and 35 have been cancelled herein.. Therefore, Applicant submits that this objection has been overcome.

Claims 19-36 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of U.S. Patent No. 6,701,110. This rejection is respectfully traversed.

Nevertheless, without conceding the propriety of the rejection, independent Claims 19 and 28 have been amended to recite the feature of “a designating portion by which an operator can designate between the first mode and the second mode as a standby position in which a predetermined developing device stands ready before said auto-discriminating portion makes the discrimination in the auto-selecting mode.”

Further, independent Claims 23 and 32 have been amended to recite the feature that “said control portion selects between the first mode and the second mode in accordance with a designation by an operator or in accordance with a frequency of use in the first mode and a

frequency of use in the second mode of said image forming apparatus, and stands by in a selected mode before said auto-discriminating portion makes the discrimination.”



Applicant submits that such features are neither disclosed nor suggested by Claims 1-18 of U.S. Patent No. 6,701,110. Therefore, Applicant submits that Claims 19-24, 27-33, and 36 are patentably distinct from Claims 1-18 of U.S. Patent No. 6,701,110. Applicant further submits that the claims as amended remain allowable over the cited art.

Favorable consideration and early passage to issue of the application are respectfully requested.

Applicant's undersigned attorney may be reached in Washington, D.C. by telephone at (202) 530-1010. All correspondence should continue to be directed to the address listed below.

Respectfully submitted,

David A. Divine
Registration No. 51,275
Attorney for Applicant

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
DAD:ayr